

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company for Approval of Statewide Marketing, Education and Outreach Program and Budget for 2013-2014. (U39M)

Application 12-08-007
(Filed August 2, 2012)

And Related Matters.

Application 12-08-008
Application 12-08-009
Application 12-08-010

**DECISION GRANTING COMPENSATION TO THE GREENLINING
INSTITUTE FOR SUBSTANTIAL CONTRIBUTION
TO DECISION 13-12-038**

Claimant: The Greenlining Institute (Greenlining)	For contribution to Decision (D.) 13-12-038
Claimed: \$ 8,640.90	Awarded: \$8,856.50
Assigned Commissioner: Peterman	Assigned ALJ: Roscow

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision:	The Decision adopts a plan for statewide marketing, education, and outreach (“ME&O”) to residential and small business plan customers regarding energy management. The plan is to extend through the end of 2015 and to be implemented by the California Center for Sustainable Energy (CCSE).
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B. Claimant must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

	Claimant	CPUC
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	November 26, 2012	Yes.
2. Other Specified Date for NOI:	N/A	
3. Date NOI Filed:	December 20, 2012	Yes.
4. Was the NOI timely filed?		Yes, the NOI was timely filed.
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	R.10-02-005	Yes.
6. Date of ALJ ruling:	June 3, 2011	The ALJ Ruling in this proceeding was issued on March 29, 2010.
7. Based on another CPUC determination (specify):		The Commission awarded intervenor compensation to Greenlining Institute in R.10-02-005, through D.11-10-023, on January 13, 2011.
8. Has the Claimant demonstrated customer or customer-related status?		Yes, Greenlining has demonstrated proper status.
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding	N/A (see below)	
10. Date of ALJ ruling:		
11. Based on another CPUC determination		
12. Has the Claimant demonstrated significant financial hardship?		Yes, the Commission finds that Greenlining has demonstrated significant financial hardship.
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	Decision 13-12-038	Yes.
14. Date of Issuance of Final Order or Decision:	December 27, 2013	Yes.

15. File date of compensation request:	February 25, 2013	February 25, 2014
16. Was the request for compensation timely?	Yes, the request for compensation was timely filed.	

C. Additional Comments on Part I:

#	Claimant	CPUC	Comm
9	X	Verified	<p>Greenlining seeks a showing of significant financial hardship (§ 1802(g)). Greenlining is an organization authorized in its Articles of Incorporation to represent the interests of both residential and small commercial electric and gas customers, with particular focus on low-income and of-color communities and customers. A copy of Greenlining's Articles of Incorporation was previously filed with the Commission in R.10-02-005 (as an attachment to our NOI, filed March 5, 2010). As such, Greenlining is a Category 3 customer as defined in D.98-04-059.</p> <p>As a Category 3 customer, Greenlining must satisfy the "comparison test" by demonstrating that the economic interest of its members and constituencies in the instant proceeding is small relative to the cost of effective participation in the proceeding. Greenlining submits that it satisfies this test.</p> <p>In the instant proceeding, the benefits that will accrue to most individual customers whose interests Greenlining represents will likely be several dollars of monthly bill savings (resulting from energy management imparted by marketing, education and outreach), which will add up to hundreds of dollars in savings over time. Across these customer groups as a whole and over time, the savings will be substantial, making the cost of Greenlining's participation reasonable. However, were an individual customer to consider representing himself in this proceeding, he would find that the cost of doing so vastly outweighed the benefits he alone would accrue, especially assuming a lack of procedural expertise.</p> <p>Because the cost of participation exceeds the financial benefit to be reaped by individual customers, Greenlining satisfies the "comparison test" as described above. In satisfying this test, Greenlining submits that it has successfully demonstrated significant financial hardship as appropriate for a Category 3 customer.</p>

PART II: SUBSTANTIAL CONTRIBUTION

A. In the fields below, describe in a concise manner Claimant's contribution to the final decision (see § 1802(i), § 1803(a) & D.98-04-059).

Contribution	Specific References to Claimant's Presentations and to Decision	Showing Accepted
<p>1. Greenlining advocated that the ME&O plan include specific strategies for addressing customers who speak a language other than English.</p> <p>Greenlining urged that ME&O include multi-lingual resources in print form, for customers lacking access to the internet</p>	<p><i>See</i> Response of the Greenlining Institute ("Response"), filed Sept. 6, 2012, at 3; Comments of the Greenlining Institute on Phase 1 ("Phase 1 Comments"), filed Feb. 1, 2013, at 3; Comments of the Greenlining Institute on Phase 2 ("Phase 2 Comments"), filed March 28, 2013, at 2-4.</p> <p><i>See</i> Response, at 4; Phase 1 Comments; at 7.</p>	<p>Verified.</p> <p>The Commission notes, however, that the citation to pp. 24-25 of D.13-12-038 does not demonstrate contribution to the Decision. This section merely summarized the position of the Greenlining Institute.</p>

<p>D.13-12-038 notes Greenlining’s input on reaching customers in-language.</p> <p>D.13-12-038 includes a sub-goal of marketing “targeted to specific customer groups.”</p> <p>D.13-12-038 requires that CCSE add metrics and indicators that are focused on low-income and hard-to-reach customers.</p>	<p>D.13-12-038, at 24-25, 45.</p> <p>D.13-12-038, at 63</p> <p>D.13-12-038, at 68, n.22</p>	
<p>2. Greenlining advocates for the reliance on community-based organizations (CBOs) and other local agencies with proven success reaching in-language communities and other hard to reach communities.</p> <p>Greenlining advocates that CBOs must be supported with funding.</p> <p>D.13-12-038 recognizes Greenlining’s advocacy for CBOs and for funding of CBOs.</p> <p>D.13-12-038 includes within measureable objectives working with local agencies and CBOs.</p> <p>D.13-12-038 reserves ¼ of the outreach budget to funding</p>	<p><i>See</i> Response, pp. 5-6, Phase 1 Comments, at 3; Phase 2 Comments, at 7-9.</p> <p>Phase 1 Comments, at 7-8; Reply Comments of the Greenlining Institute on Phase 2 (“Phase 2 Reply Comments”), filed April 5, 2013, at 1-2; Opening Comments of the Greenlining Institute on the Proposed Decision on Phase 1 Issues (“Comments on Phase 1 Decision”), filed April 8, 2013, at 2-3; Comments of the Greenlining Institute on the Proposed Decision on Phase 2 Issues (“Comments on Phase 2 Decision”), filed Nov. 25, 2013, at 1.</p> <p>D.13-12-038, at 51, 55</p> <p>D.13-12-038, at 64</p> <p>D.13-12-038, at 81, Conclusion of Law</p>	<p>Verified.</p> <p>The Commission notes, however, that the citation to p. 51 of D.13-12-038 does not demonstrate contribution to the Decision. This section merely summarized the position of the Greenlining Institute. In addition, page 55 of the Decision merely states that CCSE agreed with the Greenlining Institute’s position on CBOs.</p>

<p>CBOs.</p> <p>3. Greenlining supports the use of metrics that measure changes in customer behavior (not just awareness).</p> <p>Greenlining urges metrics to measure successful ME&O to hard to reach communities.</p> <p>D.13-12-038 recognizes Greenlining's advocacy for metrics linked to customer behavior.</p> <p>D.13-12-038 calls for performance metrics that measure customer actions, not just awareness.</p> <p>D.13-12-038 requires that CCSE add metrics and indicators that are focused on low-income and hard-to-reach customers.</p>	<p>41</p> <p><i>See</i> Response, at 6; Phase 1 Comments, at 7; Phase 2 Comments, p. 11; Phase 2 Reply Comments, at 3-4.</p> <p><i>See</i> Phase 1 Comments, p. 4; Phase 2 Comments, at 8; Comments on Phase 2 Decision, at 2-4.</p> <p>D.13-12-038, at 25, 52</p> <p>D.13-12-038, at 66-71</p> <p>D.13-12-038, at 68, n.22.</p>	<p>Verified.</p> <p>The Commission notes, however, that the citation to pp.25 and 52 of D.13-12-038 does not demonstrate contribution to the Decision. These citations merely summarized the position of the Greenlining Institute.</p>
<p>4. Greenlining urges web access in multiple languages.</p> <p>Greenlining recognizes limitations to web-based outreach, urging utilization of mobile phones for outreach.</p>	<p><i>See</i> Response, at 3-4; Phase 1 Comments, at 5.</p> <p><i>See</i> Response, p. 4; Phase 1 Comments, at 5-6; Phase 2 Comments, at 9-10.</p>	<p>Verified.</p>

B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Claimant	CPUC
a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?¹	Yes	No.
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Verified.
c. If so, provide name of other parties: Center for Accessible Technology (CforAT), The Utility Reform Network (TURN)		Verified.
d. Describe how you coordinated with ORA and other parties to avoid duplication or how your participation supplemented, complemented, or contributed to that of another party: Greenlining was the primary party discussing issues related to proper ME&O to in-language communities and the limits of web-based resources to certain hard to reach communities. On other issues that other parties also discussed (use of CBOs; metrics), Greenlining had unique perspectives to offer, such as the importance of CBOs in reaching in-language communities, and the need for metrics that measure ME&O to in-language communities. Greenlining also coordinated with ORA, CforAT and TURN to coordinate participation and filings and to avoid duplication of effort.		Verified. Although ORA did not actively participate, Greenlining understood reasonable condition with other parties.

¹ The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

PART III: REASONABLENESS OF REQUESTED COMPENSATION**A. General Claim of Reasonableness (§§ 1801 & 1806):**

a. Concise explanation as to how the cost of Claimant's participation bears a reasonable relationship with benefits realized through participation	CPUC Verified
<p>Greenlining's main contributions to this proceeding, accounting for the majority of its hours, were to advocate for proper ME&O activities to in- language communities and for the utilization of CBOs to conduct these ME&O activities (See Part II.A.1 and Part II.A.2 above).</p> <p>Proper ME&O activities to in-language communities is an important issue. The ME&O plan is to bring about positive energy management actions on the part of residential and small-business customers. If provided with proper ME&O individual customers can save up to hundreds of dollars annually. The number of customers statewide in non-English speaking communities reaches the millions. Thus, ME&O in-language activities over the two years covered by the ME&O plan may result in hundreds of millions of dollars in customer savings. Moreover, customer energy management can result in system wide benefits in terms of reducing peak loads and pollution from energy use.</p> <p>CBOs play an important part of ME&O, especially to in-language communities. The Commission recognizes this in setting aside ¼ of the Outreach budget in funding to CBOs. The Outreach budget accounts for 21% of utilities' ME&O funding. Over the two years of the ME&O plan, the utilities will fund ME&O activities by OVER \$50 million. Thus, the CBO role in outreach is significant, accounting for millions of dollars. Greenlining played an important role in crafting the role of CBOs in ME&O activities.</p>	Verified.
<p>b. Reasonableness of Hours Claimed.</p> <p>Greenlining staffed this proceeding with one legal fellow (Noemí Gallardo), who is new to Commission work. However, she has both academic research and work experience in analyzing outreach and education to in- language communities. Thus, her expertise is much more valuable than would be suggested by her hourly rate.</p> <p>Greenlining also narrowly focused the great majority of its hours on the issues of greatest importance to our interests – issues related to in-language groups and to the use of CBOs. Thus, Greenlining compiled only 53.1 substantive hours in this proceeding.</p>	Verified.

c. Allocation of Hours by Issue	Verified.
A. In-language Communities: Appropriate marketing education and outreach (ME&O) : 19%	
B. Community Based Organizations (CBOs): As resources for ME&O; Funding of CBOs: 18%	
C. Metrics needed on Customer Actions, Oversight/Governance, In-language: 16%	
D. Web-Based ME&O: including limitations of web for in-language communities: 14% E. General/Procedural: 33%	

B. Specific Claim:

CLAIM						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
It	Year	Hours	Rate \$	Basis	Total \$	Hours	Rate \$	Total \$
Noemí Gallardo	2012	21.8	\$130	See Attachment	\$2,834.00	21.8	130.00	2,834.00
Noemí Gallardo	2013	31.3	\$130	See Attachment	\$4,069.00		135.00[1]	4,225.50
Subtotal: \$ 6,903.00						Subtotal: \$7,059.50		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
It	Year	Hours	Rate	Basis	Total \$	Hour	Rate \$	Total \$
Enrique Gallardo	2012	2.3	\$185	See Attachment	\$425.50	2.3	190.00[2]	437.00
Enrique Gallardo	2014	6.8	\$193	See Attachment	\$1,312.40	6.8	200.00[3]	1,360.00
Subtotal: \$1,737.90						Subtotal: \$1,797.00		
TOTAL REQUEST: \$ 8,640.90						TOTAL AWARD: \$8,856.50		
When entering items, type over bracketed text; add additional rows as necessary. *If hourly rate based on CPUC decision, provide decision number; otherwise, attach rationale. **Travel and Reasonable Claim preparation time are compensated at ½ of preparer’s normal hourly rate.								

Attorney	Date Admitted to CA BAR ²	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation
Enrique Gallardo	December 1997	199167916	N

C. CPUC Disallowances, Adjustments, and Comments:

Item	R
[1]	Noemi Gallardo's 2012 rate is approved at \$130. In 2013, the Commission adopted a 2% cost-of-living adjustment. When applied to Noemi Gallardo's rate, and rounded to the nearest five dollar increment, the 2013 rate is set at \$135.00
[2]	Enrique Gallardo was awarded a rate of \$380 for 2012 in D.13-10-018 and D.14-02-038.
[3]	Per D.14-02-036, the Commission adopted a rate of \$390 for Enrique Gallardo in 2013. Recently, the Commission adopted a [2014 cost-of-living] adjustment in Resolution ALJ-303 of 2.58%. When applied to Enrique Gallardo's 2013 rate, and rounded to the nearest five dollar increment, the 2014 rate is set at \$400.

PART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the Claim? No.

B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(2)(6))? Yes.

FINDINGS OF FACT

1. Greenlining has made a substantial contribution to D.13-12-038.
2. The requested hourly rates for Greenlining's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation \$8,856.50.

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

ORDER

1. The Greenlining Institute is awarded \$8,856.50.
2. Within 30 days of the effective date of this decision, San Diego Gas & Electric Company, Southern California Gas Company, Southern California Edison Company, and Pacific Gas and Electric Company shall pay The Greenlining Institute their respective shares of the award, based on their California-jurisdictional energy revenues for the 2013 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning May 11, 2014, the 75th day after the filing of The Greenlining Institute's request, and continuing until full payment is made
3. The comment period for today's decision is waived.
This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX
Compensation Decision Summary Information

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D1312038		
Proceeding(s):	A12080007		
Author:	ALJ Roscow		
Payer(s):	Pacific Gas and Electric Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
The Greenlining Institute	02/25/2014	\$8,640.90	\$8,856.50	No	See Part III.C of this decision.

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Noemi	Gallardo	Advocate/Fellow	The Greenlining Institute	\$130.00	2012	\$130.00
Noemi	Gallardo	Advocate/Fellow	The Greenlining Institute	\$130.00	2013	\$135.00
Enrique	Gallardo	Attorney	The Greenlining Institute	\$370.00	2012	\$380.00
Enrique	Gallardo	Attorney	The Greenlining Institute	\$390.00	2014	\$400.00